

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – East Godavari District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959, by Smt. Surala Sanyasamma W/o Demudu R/o Kindra (V) Rajavommangi (M), East Godavari against the orders of the Additional Agent to Government, Rampachodavaram in CMA No.25/2004, dated:19-2-2005 – Dismissed – Orders – Issued.

SOCIAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 216

Dated:20-11-2008.

Read the following:

1. From Sri. S.R. Sanku, Counsel for the petitioner, Revision Petition dt:18-4-2005.
2. Government Memo No.4127/LTR-2/2005 dt:23-5-2005.
3. Orders of Hon'ble High Court of Andhra Pradesh in W.P No.12502/2005, dt:15-6-2005
4. From the Project Officer, ITDA & Additional Agent to Government, Rampachodavaram in CMA No.25/2004 dt:1-10-2005.
5. Government Memo No.4127/LTR-2/2005 dt:30-1-2006,9-3-2006 and 17-7-2007.

ORDER:

In the reference 1st read above Smt. Surala Sanyasamma W/o Demudu R/o Kindra (V) Rajavommangi (M), East Godavari has filed a Revision Petition before the Government against the orders of the Additional Agent to Government Rampachodavaram, East Godavari District in CMA No.25/2004 dt:19-2-2005 in respect of lands admeasuring Acres 3.96 cents in Sy.No.79/1 of Kindra (V) Rajavommangi (M) of East Godavari District. The main grounds of the appellant in the Revision Petition among others are:

- i. The husband of the petitioner entered into an agreement with the vendor of the land in R.S No.79/1 measuring Acres 3.96 cents and the transaction took place between two non-tribals before 1/70 Regulation came into force.
- ii. There was no prohibited transfer at all as the petitioner's deceased husband got the same under valid transfer.

2. The brief history of the case is that a case was initiated on the petition filed by Busari Bheemaraju S/o Laxmayya stating that Smt. Surala Sanyasamma W/o Demudu of Kundra (V) took their land of Acres 3.96 cents in R.S. No.79/1 on lease up to 1999 and did not hand it over to them. The Special Deputy Collector (TW), Rampachodavaram after perusal of the records observed that as per adangal, the P.S. land in S.No. 79/1 of Acres 3.16 cents is Government 'Gayalu' land and Smt. Surala Sanyasamma (respondent) is only encroacher of the land. The land Revenue receipts show that the respondent is in encroachment of P.S. land from 1993 onwards. On the other hand no evidence is available to show possession of tribal petitioner ever the P.S. land. The Special Deputy Collector (TW) further held that, the encroachment of non-tribal respondent Smt. Surala Sanyasamma on P.S land can not be regularized through grant of patta and she is liable for eviction. The Special Deputy Collector (TW) ordered for ejection of the Appellant or any other person bound by his order from the PS land and for restoration of the same to the Government for onward assignment to eligible Tribes vide LTRP No.115/2000 dt:13-9-2002. Aggrieved by the order of the Special Deputy Collector (TW), Rampachodavaram Smt. Surala Sanyasamma had filed an appeal before the Additional Agent to Government Rampachodavaram, East Godavari District. The Additional Agent to Government held that the Appellant (Smt. Surala Sanyasamma) has no valid document to show her title/possession as required under the Regulation, except a receipt to his encroachment from 1993. The tribal respondent Busara Bhimaraju also has no valid title of possession over the P.S land to claim the relief of restoration. As the transfer of the land by occupation is proved to be unlawful, it is a violation of Land Transfer Regulation. The Additional Agent to Government, in his proceedings in CMA No.25/2004, dated:19-2-2005, upheld the order of the Special Deputy Collector (TW), Rampachodavaram in LTRP No.115/2000 dt:13-9-2002. Aggrieved by the order of the

Additional Agent to Government, Smt.Surala Sanyasamma filed a Revision Petition before the Government.

3. In the reference 2nd read above the Addl. Agent to Government, Rampachodavam was requested to furnish para-wise remarks and case records and the same were furnished in the reference 4th read above. After examination the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 25-2-2006, 18-3-2006, 11-8-2006 and finally the case was heard on 24-7-2007. Both the Revision Petitioner and his counsel were absent.

4. Government after perusal of the documents available on record found that:-

The contention of the petitioner that her late husband entered into an agreement with vendor of the land in RS No.79/1 measuring acres 3.96 cents is totally wrong. Husband of the petitioner never filed any sale agreement either registered or unregistered in the lower courts. Husband of the petitioner and his counsel deposed before the Special Deputy Collector (TW), Rampachodavaram that he has no right or patta for the PS land. The other non-tribal Busari Bhimaraju also had no evidence to show his possession. The land revenue receipts produced showed that he was in possession of the land from 1993 only. As per Adangal, the land in Sy.No.79/1 in an extent of Acres 3.16 cents is a Government land and encroached by her husband.

5. Government after careful examination of the case records, find no reason to interfere with the Orders of the Agent to Government, East Godavari District in CMA No.25/2004 dt:19-2-2005 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of Andhra Pradesh in W.P No.12502/2005, is now inoperative.

6. The Collector, East Godavari / Agent to Government, East Godavari District is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**A.K.TIGIDI,
Prl. Secretary to Government.**

To

The Collector, East Godavari District.

The Addl.Agent to Government & PO ITDA, Rampachodavaram, East Godavari.

The Special Deputy Collector (TW), Rampachodavaram, East Godavari.

The Special Deputy Tahsildar (TW), Rampachodavaram, East Godavari.

The Mandal Revenue Officer, Rajavommangi, East Godavari District.

Sri S.R. Sanku, Advocate,

Plot No-3, D.No.11-20-5, Behind Huda Complex,

Saroor Nagar, Hyderabad.

Sri Busara Bhimaraju, S/o Lakshmaiah,

Kindra (V) Rajavommangi (M), East Godavari.

Smt. Surala Sanyasamma W/o Demudu,

Kindra (V) Rajavommangi (M), East Godavari.

Copy to the P.S to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER